IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 111 of 2002

HONOURABLE MR.JUSTICE KS JHAVERI

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GSRTC - Petitioner(s)

Versus

USMANBHAI M BHORAMIYA C/O.M.H.RATHOD ADVOCATE - Respondent(s)

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Appearance :
MR HARDIK C RAWAL for Petitioner(s) : 1,
MR MUKESH H RATHOD for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 22/11/2005

ORAL JUDGMENT

1. This petition is directed against the award passed by the Labour Court, Himmatnagar, dated 27.7.2001 in Reference (LCH) No.117 of 1999 whereby the Labour Court has partly allowed the reference by directing the petitioner to reinstate the respondent without back wages. The Labour Court has also imposed a punishment of stoppage of three increments with future effect.

2. The short facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. On a surprise checking it was found that the respondent was involved in serious irregularities with regard to

issuance of tickets. A departmental inquiry was initiated against him and at the end of the inquiry the respondent was dismissed from service. The respondent therefore raised a dispute which was referred to the Labour Court, Himmatnagar, which passed the aforesaid award.

3. Learned counsel for the petitioner submitted that looking to the irregularities committed by the respondent, the Labour Court ought not to have interfered with the orders passed by the competent authority. He further submitted that the punishment imposed by the Labour Court is not in consonance with the gravity of the misconduct committed by the respondent.

4. Learned counsel for the respondent submitted that the Industrial Court has imposed adequate punishment upon the respondent, no back wages were awarded and therefore there is no case for interference by this Court in the present petition.

5. As a result of the hearing and perusal of the matter I am of th view that the punishment imposed by the Labour Court is not in consonance with the gravity of the misconduct committed by the respondent. Looking to the overall facts and circumstances of the case, I am of the opinion that interest of justice would be met by imposing a penalty of stoppage four increments with future effect instead of three increments with future effect.

6. In the premises aforesaid, the petition is partly allowed. A punishment of stoppage of four increments with future effect in place of stoppage of three increments with future effect, shall be imposed upon the respondent. The award of the Labour Court is modified only to the aforesaid extent. Rule is made absolute accordingly with no order as to costs. The benefits of the award will be given to the respondent within a period of six weeks from today.

[K.S. JHAVERI, J.]

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